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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

KIVALINA RELOCATION PLANNING
COMMITTEE,

Plaintiff,

v.

TECK COMINCO ALASKA
INCORPORATED,

Defendant.

Case No. A02-231 CV (JWS)

DEFENDANT'S ANSWERS TO SEVENTH SET OF REQUESTS FOR ADMISSIONS

The Defendant, by and through counsel, submit their answers to Plaintiff's Seventh Set of Request for Admissions as follows:

REQUEST FOR ADMISSION NO. 152

Admit that the document attached hereto as Exhibit 152 is a true and correct copy of Letter from Mark Thompson, Cominco Alaska, to Randall Smith, EPA, re Compliance Order Docket No. CWA-10-99-0167-TDS [with table detailing the number of hours that the

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estimated TDS concentration exceeded...during June and July], July 19, 2000. 003835-
003836

RESPONSE: Please see Response to Request for Admission # 129.

REQUEST FOR ADMISSION NO. 153

Admit that the document attached hereto as Exhibit 153 is a true and correct copy of Letter from Wayne Hall, Cominco Alaska, to Randall Smith, EPA, re NPDES Permit AK-003865 [report of "potential exceedence" in May 1999], June 9, 1999. 003837

RESPONSE: Admitted, however, the letter reporting the apparent violation was supplemented by the revised DMR dated March 1, 2003 bates numbers TC 011191-11193 RD, previously provided in defendant's first supplemental disclosures.

REQUEST FOR ADMISSION NO. 154

Admit that the document attached hereto as Exhibit 154 is a true and correct copy of Letter from Wayne Hall, Cominco Alaska, to Robert Grandinetti, EPA, re NPDES (Mine) Permit AK-003865-2 [exceedence of TDS limit on September 12], September 16, 1999. 003838

RESPONSE: Please see Response to Request for Admission #119.

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REQUEST FOR ADMISSION NO. 155

Admit that the document attached hereto as Exhibit 155 is a true and correct copy of Letter from Wayne Hall, Cominco Alaska, to Robert Grandinetti, EPA, re NPDES (Mine) Permit AK-003865-2 [exceedence on October 1st and 5th], November 1, 1999. 003839

RESPONSE: Please see Response to Request for Admission #120.

REQUEST FOR ADMISSION NO. 156

Admit that the document attached hereto as Exhibit 156 is a true and correct copy of Fax from James Kulas, Cominco Alaska, to Robert Grandinetti, EPA, re NPDES Permit AK-003865-2 (Minesite) (Cyanide Results) [exceedence of permit limit on May 25], May 29, 1999. 003840

RESPONSE: Please see Response to Request for Admission #114.

REQUEST FOR ADMISSION NO. 157

Admit that the document attached hereto as Exhibit 157 is a true and correct copy of Fax from Maria Falutsu, Cominco Alaska, to Robert Grandinetti, EPA, re NPDES Permit # AK 003865-2 (Minesite)— Cyanide Results [re May 25 exceedence], June 9, 1999. 003841

RESPONSE: Admitted, however, the fax reporting the apparent violation was corrected by the revised DMR dated March 1, 2003 bates numbers TC 011200-11202 RD,

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previously provided in defendant's first supplemental disclosures.

REQUEST FOR ADMISSION NO. 158

Admit that the document attached hereto as Exhibit 158 is a true and correct copy of Email from Wayne Hall to Robert Grandinetti, re NPDES (Mine) Permit: AK-003865-2 WET Test Update, June 23, 1999. 003842

RESPONSE: Please see Response to Request for Admission #116.

REQUEST FOR ADMISSION NO. 159

Admit that the document attached hereto as Exhibit 159 is a true and correct copy of Letter from Lawrence Hartig, Hartig, Rhodes, et. al., to Robert Grandinetti, EPA, re NPDES Permit #AK003865-2 (Cominco Alaska Red Dog Mine) Reporting of TDS Data, July 1, 1999. 003843-44

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 160

Admit that the document attached hereto as Exhibit 160 is a true and correct copy of Letter from Wayne Hall, Cominco Alaska, to Robert Grandinetti, EPA, re NPDES (Mine) Permit: AK -003865-2 [July 16, 1999 exceedence, with table attached], July 21, 1999.

003845-58

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RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 161

Admit that the document attached hereto as Exhibit 161 is a true and correct copy of Fax, from James Kulas, Cominco Alaska, to Robert Grandinetti, EPA, re NPDES Permit # AK 003865-2 (mine) – July WET Test Results [exceedence for July 1999], July 26, 1999. 003859-61

RESPONSE: Please see Response to Request for Admission #117.

REQUEST FOR ADMISSION NO. 162

Admit that the document attached hereto as Exhibit 162 is a true and correct copy of Letter from Wayne Hall, Cominco Alaska, to Randall Smith, EPA, re NPDES Permit AK-003865-2 (Mine)– WET Test Results [potential exceedence July 27, 28, 31], August 9, 1999. 003862

RESPONSE: Please see Response to Request for Admission #118.

REQUEST FOR ADMISSION NO. 163

Admit that the document attached hereto as Exhibit 163 is a true and correct copy of Letter from Wayne Hall, Cominco Alaska, to Robert Grandinetti, EPA, re NPDES (Mine)

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Permit: AK -003865-2, Outfall 002 Discharge [occupation of CONPAC], April 29, 2000.

003863

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 164

Admit that the document attached hereto as Exhibit 164 is a true and correct copy of Letter from Wayne Hall, Cominco Alaska, to Randall Smith, EPA, re NPDES Permit:

AK-003865-2, Outfall 002 [May 8, 2000 exceedence], May 18, 2000. 003864

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 165

Admit that the document attached hereto as Exhibit 165 is a true and correct copy of Letter from Mark Thompson, Cominco Alaska, to Randall Smith, EPA, re NPDES

Permit #AK -003865-2 (Mine Site) [May 25, 29 exceedences], June 16, 2000. 003866

RESPONSE: Please see Response to Request for Admission #121.

REQUEST FOR ADMISSION NO. 166

Admit that the document attached hereto as Exhibit 166 is a true and correct copy of Letter from Wayne Hall, Cominco Alaska, to Randall Smith, EPA, re NPDES Permit

#AK -003865-2 (Mine Site)-Outfall 001 [July 13 exceedence], July 3, 2000. 003867

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